

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SCOTT MERCHANT,

Plaintiff,

-against-

DEPARTMENT OF HEALTH SERVICES;
DEPARTMENT OF CORRECTIONS,

Defendants.

19-CV-11122 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

By order dated December 9, 2019, the Court directed Plaintiff to either pay the \$400.00 in fees that are required to file a civil action in this court or submit a completed prisoner authorization within thirty days.¹ That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed a prisoner authorization or paid the filing fees. Accordingly, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose

¹ Plaintiff filed this action while in the custody of the New York City Department of Correction on Rikers Island. On December 19, 2019, the order – which was mailed to Rikers Island – was returned to the Court with a notation on the envelope indicating that Plaintiff had been discharged from that facility. Plaintiff had been transferred to the custody of the New York State Department of Corrections and Community Supervision and was incarcerated in Clinton Correctional Facility. *See* <http://nysdocslookup.doccs.ny.gov/GCA00P00/WIQ1/WINQ000> (last visited March 10, 2020). On January 24, 2020, the Court sent the order to Plaintiff at Clinton.

of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: March 10, 2020
New York, New York



COLLEEN McMAHON
Chief United States District Judge